

**Remarks/Arguments**

Applicant would like to thank the examiner for the thorough review of the present application. The recitation, "removably connectable", is supported by the figures and the specification because the present invention can be disassembled for being transported in bag 25 (please see FIG. 4). The second-to-the-last paragraph on page 5 enables a person of ordinary skill in the art to understand how the apparatus 10 is readily assembled and disassembled. Accordingly, applicant respectfully submits that the recitation, "removably connectable", satisfies the requirements under 35 USC 112, first paragraph.

The examiner has rejected claim 1 under 35 USC § 102(b) as being anticipated by Starkweather. Applicant respectfully submits the examiner has mischaracterized Starkweather. The bag disclosed in Starkweather is not "maintained in place by the weight of a user", as claimed in applicant's independent claims. Rather, the Starkweather bag is supported in place by being passed through ring member 17 and folded thereover so as to pass over the upper surface of ring member 17 thence downwardly through opening 15 (see column 1, lines 54-65). Accordingly, Starkweather does not disclose the claimed manner in which applicant's bag is supported by a user's weight.

The examiner has rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over Starkweather in view of Miles. The recitations of such claims have been incorporated into the independent claims and applicant respectfully submits that the currently amended independent claims clearly and patentably distinguish over the prior art, since it is believed that the construction defined in these claims differs essentially and in an unobvious manner from the constructions disclosed in the references.

A reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered. See *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986). Applicant's currently amended independent claims recite, inter alia, "a plurality of elongate connector members having opposed end portions removably connectable

between said top portions of said first and second plurality of leg members respectively..." Neither Starkweather, Miles nor any other prior art of record discloses applicant's "elongate connector members", in the manner recited above. Starkweather and Miles simply do not show such elongated connector members.

Applicant's currently amended claims further recite, inter alia, "an elongate support member having opposed end portions removably connected to one said first plurality of leg members and one said second plurality of leg member respectively, said support member assisting to maintain said frame at an unfolded position." "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Laskowski*, 871 F.2d 115, 10 USPQ2d 1397 (Fed. Cir. 1989). It would not have been obvious to combine the "elongate support member" of Miles with Starkweather's structural configuration because Starkweather controls separation of its legs by the employment of its channel members 22 disposed on opposite sides of its seat member 12 wherein such channel members 22 are configured for receiving leg members 13 (see FIGS. 1-2, column 1, lines 40-50).


In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable with respect to the currently amended independent claims and should be withdrawn. The currently amended independent claims and all associated dependent claims should be considered as patentably distinguishing over the art and should be allowed.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,  
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